

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 63479

Earl Wayne Biscotti
Sandra Elizabeth Biscotti

258 Baltimore Avenue

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on August 5, 2009, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-310, 312; Baltimore County Zoning Regulations (BCZR) section 101, 102.1, 1B01.1A, 1B01.1D, failure to cease the use of property as an open dump on residential property zoned DR 10.5 known as 258 Baltimore Avenue, 21222.

On July 10, 2009, pursuant to § 3-6-205, Baltimore County Code, Inspector Christina Frink issued a Code Enforcement citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$400.00 (four hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on June 24, 2009 for removal of open dump/junk yard, removal of trash and debris, removal of wood debris and boxes, and proper storage of garbage. This Citation was issued on July 10, 2009.

B. Photographs in the file show piles of siding, old doors, and other debris; numerous large pieces of old wood or railroad ties; and garbage cans overflowing with bagged garbage. Re-inspection on July 31, 2009 found no improvement. This violates prohibitions against the accumulation of trash and debris on residential property, and violates requirements for proper storage of garbage in cans with tight-fitting lids. The property owners must remove the trash, junk and debris from the yard, and properly store garbage. Failure to comply with these requirements creates harborage for rats.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$400.00 (four hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the Respondents correct the violations by August 31, 2009, by removing all junk, trash and debris and properly storing garbage in cans with lids. If the Respondents fail to correct the violations, then the full civil penalty shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 11th day of August 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer

